

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES M. UPTHEGROVE,

Plaintiff,

v.

HEALTH PROFESSIONALS, LTD and  
STACY ROSE, RN,

Defendants.  
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ORDER

3:07-cv-0596-bbc

Plaintiff has filed a letter dated August 5, 2008 (Dkt. #36), that I construe as a motion for an order directing prison officials at the Eau Claire county jail to credit his prison account with \$78.25, an amount he was charged for photocopies of case law he asked prison officials to provide to him. Plaintiff's motion will be denied.

Although it is unfortunate that plaintiff did not anticipate that jail officials would charge him for copies of the 28 separate decisions he identified as needing in order to respond to defendants' motion for summary judgment in this case, his contention that he must be provided such materials free of charge in order to preserve his right of access to the courts is not properly raised in the context of this lawsuit. If petitioner wishes, he can file

a separate lawsuit raising the matter. I express no opinion whether such a claim would survive scrutiny at screening.

ORDER

IT IS ORDERED that plaintiff's motion for an order directing prison officials at the Eau Claire county jail to reimburse him for the amount he was charged for photocopies of court decisions he requested is DENIED without prejudice to plaintiff's raising the matter in a lawsuit separate from this one.

Entered this 11<sup>th</sup> day of August, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge